

Minutes
Bar Harbor Town Council
December 1, 2009

- I. CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Sandy McFarland, Ruth Eveland, Paul Paradis, Peter St. Germain, Jane Disney, Greg Veilleux, Robert Jordan, Jr.; and Town Manager Dana Reed.
- A. Excused Absence(s)** – There were none.
- II. APPROVAL OF MINUTES**
- A. November 17, 2009** – Mr. Paradis, with second by Ms. Eveland, moved to approve the minutes of the November 17, 2009 regular meeting as presented with the exception of page 2 item VI(D.), the line from the bottom, “Bar Harbor Housing” should read “Bar Harbor Housing Authority”. Motion passed 7-0.
- III. ADOPTION OF AGENDA** – Mr. Paradis, with second by Mr. Veilleux, moved to adopt the agenda as presented. Motion passed 7-0.
- IV. FINANCIAL STATEMENTS:** *(Customarily presented at the second meeting each month)*
- V. PUBLIC HEARINGS:** *(None Scheduled)*
- VI. REGULAR BUSINESS:**
- A. Consent Agenda** – *A single vote has been scheduled to approve the following items of business without discussion.*
- 1. Planning Board** – *Possible adoption of a motion to waive the Town Code § 31-1 requirement for Planning Board attendance for Kevin Cochary for the period of November 16, 2009 through January 22, 2010.*
- 2. Sewer Connection for Multiple Buildings** – *Possible adoption of a motion to authorize Suzanne Saul to connect more than one building to a single sewer connection at 11 Grason Lane as permitted by Town Code section 165.26 with Council permission.*
- 3. Health Insurance Reimbursement Plan** – *Possible adoption of an order to amend the Personnel Rules to reflect the maximum reimbursement amount available to eligible employees who choose to opt out of the Town’s health insurance coverage, as requested in the Payroll Supervisor’s memorandum of November 16, 2009; To adjust the maximum annual payouts under the Town’s Heath Reimbursement Plan as follows:*

<u>Family or Couples Coverage</u>	<u>\$14,088</u>
<u>Employee with Child(ren)</u>	<u>\$10,183</u>
<u>Employee Coverage</u>	<u>\$ 6,241</u>

And, to establish the maximum annual payouts under the Wage Stipend as follows:

<u>Family or Couples Coverage</u>	<u>\$4,716</u>
<u>Employee with Child(ren)</u>	<u>\$3,430</u>
<u>Employee Coverage</u>	<u>\$2,102</u>

4. **FY10 Budget** – Possible adoption of an order to authorize the Town Manager to transfer \$2000 from the Town Manager's cost center, 1012-5100, to the Technology cost center 1022-5700 to permit replacement of a computer.
5. **Efficiency Maine Grant** – Possible adoption of an order to authorize the Town Manager to apply for a state grant to help fund a SCADA process control system for Town wastewater pumping stations and treatment plants.

Mr. Paradis, with second by Ms. Eveland, moved to approve all items as published on the consent agenda. Motion passed 7-0.

B. Town Charter:

1. Acceptance of the Charter Commission's Final Report – Mr. Paradis, with second by Ms. Eveland, moved to accept the Charter Commission's Final Report dated October 27, 2009 as presented and thank the commission for their work. Motion passed 7-0.
2. Adoption of an Order to place the Charter modification on the June ballot. – Mr. Paradis, with second by Ms. Eveland, moved to sign the Order to place the Charter modification recommended by the Charter Commission on the June ballot. Motion passed 7-0. Further, Mr. Paradis, with second by Ms. Eveland, moved to recommend approval of the Charter Modification recommended by the Charter Commission. Motion passed 7-0.
3. Consideration of the Charter Commission recommendation to place the question of reducing the number of Town Councilors from seven to five on the June ballot. – Following a brief discussion, Mr. Paradis, with second by Mr. Veilleux, moved to request staff to prepare an order to place a Charter Amendment on the June ballot reducing the number of Town Councilors from seven (7) to five (5). Motion passed 6-1 (Nay: Mr. Jordan).

C. Cooperating Agency Policy – *Request of Councilor Disney for a public hearing on the Council policy regarding funding for non-municipal agencies receiving property tax dollars.* – Following discussion, Mr. Paradis, with second by Mr. Veilleux, moved to take no action on this item. Motion passed 6-1 (Nay: Dr. Disney).

D. Public Engagement – *Request of Councilor Disney for a public hearing on ways to increase public awareness of and involvement in Town affairs.* – Discussion ensued, Mr. Paradis, with second by Ms. Eveland, moved to take no action on this item. Motion failed 3-4 (Nay: Dr. Disney, Mr. St Germain, Mr. Jordan, and Mr. Veilleux).

Mr. Jordan moved to include more visible information in the body of emails that are currently distributed, to direct the public to information sources such as the Town website. Motion died for lack of second.

E. Cruise Ship Committee – *Consideration and possible introduction of an enabling ordinance requested by Council to convert the temporary Cruise Ship Study Task Force to a more permanent advisory organization.* - Following Mr. Paradis' explanation, Mr. Paradis, with second by Mr. St. Germain, moved to introduce Cruise Ship Committee ordinance "B" as presented and schedule a public hearing for January 5, 2010. Motion passed 7-0.

F. Ethics Training – *Report of Councilor and Communications Technology Task Force member Paul Paradis on the status of Internet-based ethics training for Town board and committee members.* – Councilor Paradis provided the update. No action was taken.

G. Cruise Ships – *Report of Councilor Paul Paradis and Planning Director Anne Krieg on the recently attended Leadership Conference of the Cruise Ship Lines International trade association.* – Summary of their experience and feedback from the cruise ship industry was provided by Councilor Paradis and Planning Director Anne Krieg.

H. Code Enforcement: Criterion – *Request of Councilor and Criterion Theatre and Arts Center President Rob Jordan for review and possible approval of a draft consent agreement to settle outstanding violations.* – Mr. Paradis, with second by Ms. Eveland, moved that Councilor Jordan has a conflict of interest in this matter since he serves as the president of the Criterion Theatre and Arts Center. Motion passed 6-0-1(Recused: Mr. Jordan). Mr. Jordan left the meeting.

Following discussion with Mr. William Reiff, the Criterion representative; Mr. Paradis, with second by Mr. Veilleux, moved to authorize the Town Manager to sign a Consent Agreement as presented by the Town Manager

in his draft dated December 1, 2009 to include the following additional terms:

1. The fine shall be \$4,000 if paid at the signing of this agreement, or if the Criterion chooses,

2. The fine shall be \$960 yearly for a period of five years. The first payment is due at the signing of this agreement with subsequent payments due on or before January 1 in the years 2011, 2012, 2013, and 2014. If the Criterion so chooses, and after making all prior payments, the fine can be retired on or before

(a) January 1, 2011 for \$3,346

(b) January 1, 2012 for \$2,625

(c) January 1, 2013 for \$1,832

3. If the Criterion fails to make required payment on or before the required date, the Town maintains the right to:

(a) pursue enforcement of the land use violation in a court of law, and

(b) to not issue any permits for the building located on Map 104, lot 140 - AKA the Criterion building.

Motion passed 5-1-1 (Nay: Dr. Disney, Recused: Mr. Jordan)

I. Council Goals – *Status report by Town Manager and Department Heads.* – The report was provided and there was no action taken.

J. Combined Sewer Overflows – *Request of the Town Manager for approval of a consent agreement with the Maine Department of Environmental Protection.* – Mr. Paradis, with second by Ms. Eveland, moved to direct the Town Manager to continue negotiating the consent agreement with Maine DEP to ensure that the document is factually correct and return to Council with a revised document when available. Motion passed 7-0.

K. Treasurer's Warrant – *Request of Treasurer to authorize paid bills.* – Mr. Paradis, with second by Ms. Eveland, moved to sign the Treasurer's Warrant for paid bills. Motion passed 7-0.

VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. Paradis stated that he had the occasion to call 911 for an emergency today and was very disappointed with the response time from the emergency operator – who is not a Bar Harbor dispatcher. He further reported that on a more positive

note, he was very impressed with the response from our Police and EMS personnel. They were very efficient and very professional in dealing with the situation.

Ms. Eveland announced that she has taken a new job as librarian at Jesup Memorial Library.

Dr. Disney light heartedly cautioned the Council to watch out next meeting, she is attending the *newly* Elected Official workshop tomorrow.

Mr. Veilleux thanked the Cruise Ship Task Force members and recognized Paul Paradis for all his fine work as member.

Mr. Jordan reported that he recently saw Mr. Mendoza of Salisbury Cove who was unbelievably grateful to the Town for moving forward with installation of the culvert between Hamilton's Pond and the small pond. He felt it had made a significant difference in the drainage in the neighborhood. He expressed thanks to Chip Reeves.

Mr. Jordan congratulated Ruth Eveland on her new job.

He thanked the Police Department services during the recent street closures on Ledgelawn Avenue and Cottage Street during two different town events.

VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION:

A. Salary Plan – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Ms. Eveland, moved to go into executive session at 9:05 p.m. following a break as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0. Council entered executive session at 9:12 p.m. Council came out of executive session at 9:33 p.m.

B. Town Manager's Performance Evaluation – *(To be held in executive session as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter.)* – Mr. Paradis, with second by Mr. Veilleux, moved to go into executive session at 9:34 p.m. as permitted by 1 MRSA 405.6.A for discussion or consideration of a personnel matter. Motion passed 7-0. Council came out of executive session at 9:54 p.m.

IX. ADJOURNMENT – Mr. Paradis, with second by Mr. St. Germain, moved to adjourn at 9:54 p.m. Motion passed 7-0.

Paul Paradis, Secretary